

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/769,438	JOY ET AL.	2661
	<b>Examiner</b>	Art Unit	
	Van Kim T. Nguyen		

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to September 3, 2004.
2.  The allowed claim(s) is/are 3-10, 12, 13, 16-23 and 25.
3.  The drawings filed on 03 September 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 06/04/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 12/08/2004.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

This Office Action is responsive to communications filed on September 3, 2004.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Gary D. Fedorochko, on December 07, 2004.

The application has been amended as follows:

**Cancel claims 11 and 24.**

**Claims 12 and 25 are amended** to read as follow:

**Claim 12:** A method of emulating an Ethernet protocol in a network that uses a non-Ethernet protocol, comprising the steps of:

- (1) converting a first request to transmit a packet using an Ethernet protocol into a second request to transmit the packet using the non-Ethernet protocols wherein the conversion is based on a stored mapping between Ethernet and non-Ethernet addresses;
- (2) encapsulating the packet into a second packet compatible with the non-Ethernet protocol;
- (3) transmitting the second packet over the network to a destination node in the network;

and

(4) determining an optimum packet size for use in transmitting packets over the network, wherein the step of determining the optimum packet size is performed by consulting speed topology maps for heterogeneous nodes on the network.

**Claim 24:** A system that supports Ethernet emulations comprising:

a non-Ethernet network communication medium; and  
a plurality of network nodes coupled to the non-Ethernet network communication medium, each network node comprising in combination:  
a network card and associated drivers that transmit and receive packets over the network communication medium using network-specific protocols;  
a Transmission Control Protocol/Internet Protocol (TCP/IP) protocol;  
an Address Resolution Protocol (ARP) that translates IP addresses into Ethernet Media Access Control (MAC) addresses; and  
an interface driver that presents an Ethernet-compliant interface to the TCP/IP protocol and ARP,  
wherein the interface driver converts Ethernet-specific requests from the TCP/IP protocol and ARP into requests that conform to the network-specific protocols, and wherein the interface driver determines an optimum packet size for transmitting emulated Ethernet packets on the network communication medium, wherein the interface driver determines the optimum packet size by consulting speed topology maps from a plurality of network nodes.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**